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PATENT

Attorney Reference Number 3382-64707-01  
Application Number 10/607,601

Remarks:

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 4, 5, 7-12, and 16-18 are pending in the application. Claims 10-12 and 16-18 have been indicated as allowable. Claims 10 and 16 are independent.

The amendments herein are made to expedite issuance of a patent, and Applicants reserve the right to pursue the original claims in a continuation or other application.

*Double Patenting Rejection*

Claims 1-34 stand provisionally rejected over claims 1-29 of U.S. Patent Application No. 10/607,591 under the judicially created doctrine of double patenting. Applicants respectfully disagree, and submit that the pending claims each recite language that would not be suggested by the claims of the '591 patent.

To obviate the rejection of claims 4, 5, 7-12, and 16-18, Applicants file herewith a terminal disclaimer with respect to the '591 patent as a procedural and statutory expedient. (See, Ortho Pharmaceutical Corp. v. Smith, 959 F.2d 936, 22 USPQ2d 1119 (Fed. Cir. 1992); Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).) The rejection therefore is moot. Accordingly, Applicants respectfully request the double patenting rejection be withdrawn.

*Rejections under § 112, Second Paragraph*

The Action rejects claims 2-3, 6, 14-15, and 27-28 as being indefinite. To expedite issuance of a patent covering the technologies, Applicants have canceled the claims without prejudice or disclaimer.

*Patentability of Claims 4, 5, 7-12, and 16-18*

The Action indicated that claims 10-12 would be allowable if rewritten so as to not depend from a rejected base claim. Accordingly, Applicants have re-written claim 10 into independent form. Claim 10 and its dependent claims, 11-12, are therefore now allowable. Further, claims 4, 5, and 7-9 have been amended to depend from allowable claim 10 and are therefore also allowable at this time.

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The Action indicated that claims 16-18 would be allowable if rewritten so as to not depend from a rejected base claim. Accordingly, Applicants have re-written claim 16 into independent form. Claim 16 and its dependent claims, 17-18, are therefore also allowable at this time.

As noted above, the indefiniteness rejections have been addressed by canceling the respective claims.

*Request for Interview*

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Amendment so that the Examiner may fully evaluate Applicants' position, thereby enabling the interview to be more focused.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

*Conclusion*

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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